

**HISTORIC DISTRICT COMMISSION**  
**Meeting Minutes**  
**October 14, 2013**

**CALL TO ORDER:**

Mr. Mike Troutman, Chairperson called the meeting to order at 4:00 p.m.

**ROLL CALL:**

<b>Members Present:</b>	Dan Buscher	Mike Troutman
	Eric Greene	Kim Tuck
	Mark Jones	Susan Baldwin (City Comm. Liaison)

**Members Excused:** Doug Sofia

**Staff Present:** Glenn Perian, Senior Planner, Planning Dept.  
Leona Parrish, Admin. Assistant, Planning Dept.  
Marcel Stoetzel, City Attorney

**ADDITIONS / DELETIONS TO AGENDA:** None

**APPROVAL OF PREVIOUS MINUTES:**

**MOTION MADE BY MR. ERIC GREEN TO APPROVE THE MINUTES FOR  
THE SEPTEMBER 16, 2013 HISTORIC DISTRICT COMMISSION MEETING,  
SECONDED BY MR. DANIEL BUSCHER.**

**ALL IN FAVOR, NONE OPPOSED; MINUTES APPROVED**

**CORRESPONDENCE:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

A) **157 Capital Avenue, N.E.** - (*Request from First Congregational Church, Rev. Emily Joye McGaulitt-Reynolds, to demolish structure.*)

Mr. Randy Case, was present on behalf of the First Congregational Church to request the demolition of structure; stated this property had been used for CIR and now want to use the space for a childcare center play area. Noted it was a part of the Old Maple Street Historic District and feel the district lines might be incorrect as this building does not have any historic significance. Stated they want to enhance the community.

Mr. Mike Troutman asked if the sign for the CIR was to be removed and remembers there were issues when it was installed. Mr. Case stated yes, it will be removed and they will be moving the fence to the west of the property line.

Mr. Buscher asked staff if the play lot should be included in this certification as well as what was requested in the staff report for the demolition of the building.

*With no others wishing to speak, Chairperson, Mr. Troutman asked commissioners for any action to be taken.*

**MOTION WAS MADE BY MR. DAN BUSCHER TO APPROVE THE REQUEST FOR A NOTICE TO PROCEED FOR THE DEMOLITION OF STRUCTURE AND ALLOW THE USE OF THE LOT FOR A PLAYGROUND AREA BASED ON THE STAFF REPORT FOR PROPERTY LOCATED AT 157 CAPITAL AVENUE, N.E.; SECONDED BY MR. KIM TUCK.**

**VOTE TAKEN: ALL IN FAVOR; AND NONE OPPOSED; MOTION CARRIED.**

**B. 223 Capital Avenue N.E. - (Request from Mr. John T. Krajenta to remove the chimney and lower the parapet wall to a height of 12 inches above the roof line on the east side of the building.)**

Mr. Jason Harner, X-Tream Roofing LLC, was present on behalf of the property owner Mr. John Krajenta. Stated they had received approval for roof repair and when they took the old flashing down they noticed the damage to the brick and parapet wall and are asking to take the chimney down to 1 ft. from the roof line and provided a drawing to the commissioners. (See exhibit A)

Mr. Mike Troutman asked if they were going to take the chimney down to the ground. Mr. Harner stated not down to the ground as it is tied to the parapet wall and wants to take the ceramic flue that are out and bring the chimney down so it is all level with 12 inches above the roof line with a limestone cap.

Mr. Mark Jones asked if they would be sealing the chimney flue from the inside. Mr. Jason stated he believed it is already sealed up when it became disconnected when the previous owner redid the furnace area. Said from their point of view from above the roof line it would be capped when they redo the new brick.

Mr. Kim Tuck asked how they were going to treat the area where the existing flue is and what would it be capped with. Mr. Jason Harner stated they would use a board or metal inside the flue and then cap that with mortar and go over it with new brick. Said the flews themselves would go down below the roof line and when they rebuild the brick it would be built on top.

Mr. Tuck asked if the chimney would be raised to the same height as the parapet. Mr. Harner said that was correct with the limestone cap to match what is there with the cap; said it has been tuck pointed many times and its appearance is bad, so they would like to improve the appearance.

Mr. Mike Troutman asked what he believed was the cause of this damage. Mr. Jason Harner stated he believes it was many years of not maintaining and poor tuck point work being done; noted that on the inside of the wall there was no mortar left on that wall and that is why the brick had fallen out.

Mr. Daniel Buscher asked why they want to lower it to 12 inches as opposed to 16 or 18 inches. Mr. Jason Harner said that the 12 inches would be the same as the roof line and they want to run the same line and be even with the roof.

Mr. Mark Jones asked where the current furnace is vented. Mr. Jason Harner referenced the photo with the pipe coming out of the lower level on a different section of the building.

Mr. Mark Jones asked if this was not the original chimney for the furnace. Mr. Harner stated he was not sure of that and assumes it was and when they upgraded the furnace system they rerouted 90 percent and went out of a 6 inch stainless steel and got away from the chimney. Noted there was a letter provided by the owner in the packet noting the chimney was no longer in service. Mr. Glenn Perian said on page 2 of the application it notes that in 1993 the chimney was moved for the furnace as it had not functioned since that time.

Mayor Baldwin noted that the design of the wall on the first floor roof near the front door having a 12 inch wall made of limestone. Mr. Jason Harner said yes, they want to do the same style as on the front porch; which is at the 12 ft. height and eliminate the portion of the parapet wall that is in bad shape because of the poor brick work that was done and also in no longer in use. Mr. Harner noted in the photo where the new furnace pipe is located on the lower east section of the house.

Mr. Mark Jones asked if that was for a furnace or fireplace chimney. Mr. Harner stated he understands it is for the furnace that was changed over.

Mr. Jones asked if that new furnace chimney meets code; he understands a furnace vent must be above your highest roof line. Mr. Kim Tuck stated it has to be 2 ft. above the closest point on the roof 10 ft. away and that is typical for a chimney; that this particular model might have different specs. Mr. Jones noted he did not believe it was located 10 ft. away from the building.

Mr. Mike Troutman stated it would need to be looked at by a different department for mechanical and is not within our purview of the Historic Commission to determine the code for furnace.

Mr. Eric Greene asked Mr. Perian regarding the staff report; what the meaning of the use of the word "ideal" was as written. Mr. Glenn Perian stated it is always better to keep what is there, which is the ideal situation and that it was standard language as it would be "ideal" to maintain and repair what is there.

Mr. Eric Greene asked if in this case it was not an option to keep. Mr. Jason Harner said it is an option; the owner would rather not, as they would also not be able to match the brick color. Stated if they were allowed to do the 12 inch with the limestone, they would be able to save and preserve as many of the brick as possible and then cap it with the limestone and still keep the architectural appearance that is there.

Mr. Mike Troutman said if they could save more of the structure by making the change as it is deteriorating and would not take away from the structure.

Mr. Mark Jones said he is not certain that the existing lower chimney shown in the photo is for the furnace and his concern is with code which have minimum heights required; stated code requirements is not their purview, but they need an answer from code before they can make this

determination, as code may require this to be as it is and if they provide a certificate of determination they will proceed.

Mr. Troutman stated if it were removed and code say they need to put it back; they have nothing to do with that.

Mr. Kim Tuck stated there is an issue with the existing chimney that a 90 % furnace cannot have been installed without a flue liner and would have to extend above the existing flue with a cap similar to what is installed on the short stack. Stated the chimney as it exists cannot have a 90 % furnace going through it without an initial installation. Mr. Harner stated there is only one other pipe that goes through the roof and that is the sewer pipe on the other side of the house other than the chimney shown in the photo on the lower roof.

Mr. Tuck stated the pipe shown is a B-vent style chimney, which is typical for a gas furnace installation. Mr. Jones stated when his furnace was replaced and installed it was waived and they did not make them do that. Mr. Tuck stated if you have a continuous flue liner that is in good condition; the problem with this chimney is that it is on an exterior wall and when it happens flue gases from a high efficiency furnace condense in the chimney and eats up the liner and saturates the chimney and leaches all the minerals out of the mortar so the chimney falls apart; which may be a contributor to the failure of this chimney years ago.

Mr. Jones said which goes back to if that was a contributor to the failure of this chimney; that means they are venting those gases through these chimneys. Mr. Tuck said no, that was the previous furnace that was installed; that under current conditions there would have had to been a stack above that chimney.

Mr. Mark Jones asked if they can table this motion pending a review by the Building Code Department. Mr. Glenn Perian asked Mr. Jones if it were tabled what is the question you want to ask of the Inspection Division as we have a previous inspector on the board that is giving an opinion and believe he also does inspections in other portions of the county currently. Mr. Jones wants to know if this is an active flue, which with Mr. Tuck's past experience cannot say whether or not this is an active flue and is it currently connected to either a fireplace that may be used in the future or connected to the heating system of the building.

Mr. Perian stated they do not necessarily need an inspector to determine if it is actively being used.

Mr. Dan Buscher noted the request for a Certificate of Appropriateness has to do with the removal of the damaged chimney and the lowering of the parapet wall; do they have the authority to look at a code compliance possible issue and does the tabling of this have anything to do with the request for a Certificate of Appropriateness that has been presented before them.

Mr. Glenn Perian stated he assumes the existing chimney is a stainless steel pipe a would be out of their area of jurisdiction for today as far as questions regarding the chimney itself which is a part of the request; he believes would be on the table for discussion.

Mr. Kim Tuck asked if it would be possible to have a 5 minute recess for staff to have the Inspections Department check if there was a permit issued and inspected for that property.

Mr. Mike Troutman asked if that has any bearing on this application. Mr. Jones stated, yes if this is a chimney in use and we tell him we can take it down, it can only come back to them to put the chimney back and have to issue a new Certificate of Appropriateness for this same chimney. Said either way they would have to approve what is going to happen to the chimney; said the mechanical code is not their purview, if torn down and are told it has to be put back; they would have to come back and ask for approval and need to know if it is out of service.

Mayor Baldwin noted that it is stated on their application that in 1993 it was out of service and non-functioning. Mr. Jason Harner stated that was correct it has been out of service from that date and time. Mr. Jones said the problem with out-of-service, it could be closed off and you believe it is out-of-service and then someone hooks something up to it. Mr. Troutman stated the owner has stated it is not in use.

Mr. Buscher asked Mr. Tuck if he had ever been to this home. Mr. Tuck stated no he had not.

Mayor Baldwin stated her concern is if this is delayed as late in the year it is going to make for a problem for them to get this fixed and get the repair work done which clearly needs to be done. Said she believes their approval of whether it can come down can go forward and if there happens to be a code issue; it can be separate. Mr. Jason Harner stated the weather was also a concern for them as it had been covered with a tarp for one month already trying to keep the water out.

Mr. Eric Greene said it would be within their purview to approve of this today as not to hold up any repairs; and to simply advise.

Mr. Troutman noted that Mr. Tuck said they would need to pull a building permit for the work. Mr. Jones asked if they would need to pull a mechanical permit. Mr. Harner asked if they would have to pull a separate permit for the brick work from the permit they had already pulled for the roof repair. Mr. Tuck stated if it had not been added in the work description on the permit; they might have to add to that permit or pull another permit for the demolition and reconstruction of the portion of the chimney.

Mr. Jason Harner said on his roof permit it noted re-roof and install a new roof and at that time they were not aware of the work on the chimney. Stated he would pull a new permit or add to their existing permit the additional work on the chimney.

Mr. Mark Jones asked if they could make it a conditional approval subject to the mechanical department inspection. Mr. Troutman stated he does not believe that is the purview of the Historic Commission and that the staff and city attorney is aware that the situation exist and can communicate it to the building department to check if it is an active flaw and if so call the mechanical inspector. Mr. Tuck stated that a masonry chimney is strictly building permit activity and if it involves duct work, new vent or sheet metal construction it would then be mechanical inspector.

Mr. Buscher asked how long it takes to pull a permit. Mr. Tuck stated he was not aware of what the current timeframe is for processing. Mr. Harner stated in the City of Battle Creek it can be pulled for same day for roofing and siding. Mr. Perian stated it would not take long; within a week they are turning over the permits.

Mr. Mark Jones said generally he is in favor of this; but has an overall concern. Stated sometimes when you try to expedite things and not dotting I's and not crossing T's to only have to go back and redo the work. Mr. Harner said that is why they are here today to do this so the brickwork men do it correctly and make sure it is correct.

Mr. Buscher stated he understands Mr. Jones insights and concerns, but believe their duties rest upon the approval or denial of the Certificate of Appropriateness for the proposed work and what he has heard at this time he cannot see a good reason to deny. Said he would encourage them to pull the permits and do what is needed to ensure the safety of this particular changes and is not sure if they have the authority of if it is in their purview.

*With no others wishing to speak, Chairperson, Mr. Troutman asked commissioners for any action to be taken.*

**MOTION WAS MADE BY MR. DAN BUSCHER TO APPROVE THE REQUEST BASED ON THE OUTLINE IN THE STAFF REPORT AND THAT A BUILDING PERMIT BE SUBMITTED FOR PROPERTY LOCATED AT 223 CAPITAL AVENUE, N.E.; SECONDED BY MR. ERIC GREEN.**

**VOTE TAKEN: FOUR IN FAVOR (GREENE, BUSCHER, TUCK, AND TROUTMAN); NONE OPPOSED; AND ONE ABSTAINED (JONES) MOTION CARRIED.**

**C. 29 Wilkes Street (Request from Mr. Jason Miller for new vinyl siding for house and garage)**  
Mr. Jason Miller was present today stated he recently purchased this property and was told by his insurance company that it could not be insured until it has been sided. Stated he was about  $\frac{3}{4}$  done and was not aware he needed to pull permits for the work and was informed by the city that permits were required and that is why he is here today.

Mr. Mike Troutman asked if the work done was what is shown in the photo on the bottom portion of the house. Mr. Miller stated, yes and the garage is finished as well.

Mr. Troutman noted the report stated that 9 out of the 10 homes in the area have vinyl siding. Mr. Miller stated yes, he believes this is the only home on the block that is not sided and that Neighborhoods Incorporated had done the other homes in the neighborhood.

Mr. Greene asked staff if the other homes had went through the Historic District Commission. Mr. Perian stated he was not sure and could not say; but this would be consistent with the other homes in the neighborhood.

Mr. Kim Tuck asked regarding the detail of the windows; if they had been original or had they been removed. Mr. Miller stated they had not done anything with the windows, but would like to wrap them. Mr. Tuck asked if there was a crown molding on the top. Mr. Miller said he was not sure if it was a crown molding, but it does have an additional molding on the sides which is still there and will be keeping and would like to wrap if allowed with aluminum.

Mayor Baldwin stated she did not believe there is a crown molding present in the photos. Mr. Tuck stated there is vinyl siding profiles to match some of the details if you wanted to consider and are much more attractive and is reflective to the original architect.

Mr. Mike Troutman asked if they were planning to leave the vent above the 2<sup>nd</sup> story window. Mr. Miller stated absolutely they would be leaving the vent and would like to paint it if that was alright. Mr. Troutman stated, yes.

Mr. Mark Jones stated regarding his comment that 9 out of 10 had the siding; noted that in Section 8 of our manual on page 22 & 71 it does not forbid but states wood should be replaced with wood and asked if this body had approved in the past or had persons done without approval. Mr. Glenn Perian stated yes we have both; we have approved in the past and also some property owners have just installed the vinyl themselves.

Mr. Kim Tuck it appears in the black and white photo it had possibly asphalt mineral based siding and it that was what be being removed. Mr. Miller stated they would be siding over it as the back had some cedar shake siding as well with multiple layers; they removed that but have not removed the asphalt.

Mr. Dan Buscher noted in the black and white photo there was a porch and asked the property owner if they removed it. Mr. Miller stated no, they have not done any alterations to the structure.

Mayor Baldwin stated the photo shows that long ago the porch had been enclosed.

***With no others wishing to speak, Chairperson, Mr. Troutman asked commissioners for any action to be taken.***

**MOTION WAS MADE BY MR. ERIC GREENE TO APPROVE THE REQUEST TO INSTALL NEW VINYL SIDING ON THE HOUSE AND GARAGE AND WRAP THE WINDOWS BASED ON THE STAFF REPORT FOR PROPERTY LOCATED AT 29 WILKES STREET; SECONDED BY MR. DAN BUSCHER.**

**VOTE TAKEN: FOUR IN FAVOR (BUSCHER, GREENE, TROUTMAN AND TUCK); AND ONE OPPOSED (JONES); MOTION CARRIED.**

Mr. Miller asked about the permit for the windows to be wrapped; if he needed to go to Inspections. Mr. Perian stated yes. Mr. Tuck noted he could have it added to the description along with the siding permit that had already been pulled.

***D. 2 W. Michigan Avenue (Request for a 3 ft. x 4 ft. projection sign for “Fancy Nancy’s Boutique”)***

Ms. Stephanie Fields stated they were looking to get signage for the front of the building as there is none currently; feel it would increase their presence downtown.

Mr. Mark Jones asked if this was for a window or bracket sign. Ms. Fields stated it was a projection sign.

Mr. Troutman asked if they decided on a 3 ft. sign or 4 ft. sign. Ms. Fields stated it had to be 12 sq. ft. so it would be 3 ft. x 4 ft. sign with curved bracket; but could do a square bracket. Noted they do not care which one, she would just like to have it before the holidays.

Mr. Kim Tuck asked if they had already applied for the sign permit. Ms. Fields stated no, they have not.

Mr. Mark Jones stated he knows we have restrictions on perpendicular signs and know there have been other businesses that have been rejected for a projection sign; but notice that Subway has one. Said he is aware of a business that have moved out of the downtown specifically because of not being allowed to have a projection sign. Mr. Perian stated the sign ordinance was revised several years ago to now allow projection signs in only the downtown area; said a projection sign can be removed easily without changing the building structure with no adverse effect on the building and that their application does comply with the code. Mr. Perian noted that Mr. Tuck had inquired about the height of the sign; and they will make sure it conforms to the city code requirements.

Mr. Mark Jones asked for his information when the ordinance was changed to allow perpendicular signs. Mr. Perian stated it had been a few years ago.

Mayor asked if it would be mounted on the board or above the board. Ms. Fields stated the landlord want it to be on the black and gold strip that was added by a previous tenant as they did not want to disturb the granite.

*With no others wishing to speak, Chairperson, Mr. Troutman asked commissioners for any action to be taken.*

**MOTION WAS MADE BY MR. ERIC GREENE TO APPROVE THE REQUEST FOR A 3 FT. X 4 FT. PROJECTION SIGN AS OUTLINED IN THE STAFF REPORT FOR PROPERTY LOCATED AT 2 W. MICHIGAN AVENUE, SUITE #8; SECONDED BY MR. KIM TUCK.**

Mr. Buscher asked if clarification or an amendment is needed regarding issues brought up by Mr. Mark Jones as well as staff that it should be noted it should comply with all sign code requirements. Mr. Troutman stated they would need to pull a sign permit and would be approved only if it meets the sign ordinance regulations. Mr. Buscher stated to consider it a friendly amendment.

Mr. Mark Jones asked why on the first issue we could not require a mechanical inspection, but on this one we require a sign inspection. Mr. Tuck stated that the installation of a sign requires a permit and cannot be installed without a permit or inspection. Mr. Jones asked if the previous one did not require a permit. Mr. Tuck stated it had required a permit and would need to check the records to see if it had been permitted and inspected.

**VOTE TAKEN: ALL IN FAVOR; AND NONE OPPOSED; MOTION CARRIED.**

**E. Year 2014 Meeting Dates for Historic District Commission (Requesting approval)**

**CHAIRPERSON MIKE TROUTMAN ASKED THE COMMISSION FOR THEIR APPROVAL OF THE MEETING DATES AS PROVIDED FOR THE YEAR 2014 HISTORIC DISTRICT COMMISSION.**



**VOTE TAKEN: ALL IN FAVOR; AND NONE OPPOSED; MOTION CARRIED.**

**PUBLIC COMMENTS:** None

**COMMENTS FROM COMMISSION MEMBERS AND STAFF:** Mr. Eric Greene asked the City Attorney for clarification or rational allowed; if there should have been a reason noted when Mr. Jones abstained from voting after taking part in the discussion as his understanding is that when you abstain you are required to site a specific reason such as a conflict of interest, etc. Mr. Marcel Stoetzel, City Attorney stated it is his duty as a Historic District Commissioner to either vote yes or no one way or the other and generally cannot abstain; and was thrown off when he heard, but he does not have any basis to answer the question beyond that. Said there may be an occasion to abstain, but would not be because you disagree with something or have a question about something and can get back to you with more information.

Mr. Mark Jones stated he can vote no, but typically when he chooses to abstain it is because it is a policy issue like the vinyl siding. Said when you read through the manual it says don't do this and is a recommendation and not a law, but if we are supposed to follow what we are recommended to do than it becomes a policy issue. Said he would like to see the commission follow the recommendations that they are given, but understand that leeway has been given. Said he is not saying no to their petition, it is being granted but he objects to the policy issue and would like to see the manual more closely followed and does not want to adversely affect their petition because of a decision between themselves.

Mr. Marcel Stoetzel wanted to add that because this is an open meeting and you have no official way of doing it before hand; you are not prohibited if you have that type of question before hand to say what is out there so you do not run into it at the meeting to go look for that information. Mr. Jones said he had done that on occasion, but this time did not have the time.

Mr. Mike Troutman asked Mr. Glenn Perian, Senior Planner if there were any handouts or had information to share about last Wednesday's meeting held in Coldwater, Michigan. Mr. Perian stated no there were none, but learned some new things about the Historic District Commission responsibilities they have and hopefully will be able to apply those to future meetings.

Mr. Dan Buscher asked if there were any hand-outs available to share. Mr. Mike Troutman stated the meeting was done by a power point presentation and material was not available to provide. Mr. Troutman said he believes Ms. Hilton will be looking at them coming to provide some training and the City of Coldwater initiated and invited the surrounding cities to attend. Mr. Troutman provided some additional information that was provided.

Mr. Mark Jones noted the Mayor had mentioned the property at 2 West having siding that is original and 17 West having an art deco style that was a 1930's revision from a 1900's revision from an 1880's revision; all three of those periods could be considered, and where do we go. Stated regarding his comment about the signs, he know it has been a bone of contention and if they have changed the regulations to allow the vertical signs; he knows of many downtown owners have pushed very strongly for that and know of persons who have moved their businesses because of not being allowed to have a projection sign and need to know if it has been revised to now allow them.

Mayor Baldwin stated one of the problems with the downtown is that we have overlays that are conflicting as there are 3 or 4 of them that overlap different portions of the downtown. Said staff is currently trying to work through getting all of that straightened around and cleaned-up so they are not divided.

**ADJOURNMENT:**

Mr. Mike Troutman, Chair adjourned meeting at 4: 59 P.M.

Submitted by: Leona A. Parrish, Administrative Assistant, Planning Department